Regulations Committee

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History

- Formed in February 2013 to evaluate LTSS State rules and regulations...
 - To reconcile and/or eliminate duplication, redundancy and conflict
 - To build a regulations foundation on which self-direction of services and self-determination can flourish
 - To integrate and consolidate various Rules into a body of regulations that are consistent, easy to understand and implement, and support people receiving LTSS
- Given broad discretion by the CLAG
- Given explicit support by Depts of Human Services, Health Care Policy and Financing, and Public Health and Environment

IDD

- Initial focus by the Regs Comm has been and continues to be IDD regulations—a potentially replicable pilot process
- Committee includes CDPHE, CDHS and HCPF, plus providers and advocates
- First bit of work: Alignment of Facilities (CDPHE) rules with applicable DHS (GRSS) and HCPF rules
 - Crosswalk built
 - Line by line analyses
 - Three outcomes
 - 1. Recommendations for technical and other changes to any or all
 - 2. Updates to language and reflection of philosophy (self-direction/self-determ)
 - 3. Additional research needs

Technical Rule Changes

- Alignment of language and definitions, and to align with current practice. See crosswalk and listing of technical changes.
 - This will include planning/choreographing appropriate State Board presentations (Board of Health, Medical Services Board, and Board of Human Services) for promulgation of recommended changes.
 - Examples (See handout for all)
 - 1. Revise all rules for person first language.
 - 2. Revise all references to Care or Service Plan to Service Plan.
 - 3. Revise all rules to include new DD definition.
 - 4. (CDPHE, Ch. VIII-2.6, et seq.) Change 'facility' to Group Home.
 - 5. (CDHS/HCPF, 16.230, et seq.) Remove reference to CCB authority for program approval.
 - 6. (CDPHE, VIII-6.6(C) and (D)) Modify to allow for greater than four (4) hours unsupervised time, in accordance with service plan.
 - 7. (CDPHE, Ch. VIII-13.2) Revise to "meals shall be planned in a manner that incorporates involvement by people living in the group home."
 - 8. (CDPHE, Ch. VIII-15.6 & 15.7(A)) Clarify role and responsibility of the PCP such as "oversee the resident's medical care." Strike "cordinate" due to the relation to care coordination. Review language "prevent further disability" consider "maintain optimal health" or "highest practicable health."

Research

- Issues still to be researched—e.g., Waiver Re-writes and impact on Rules
- Finer (technical) issues to be researched...
 - 1. Review the term "administrator."
 - 2. Does "governing body" include board of directors?
 - 3. Is the 750 feet distance requirement current best practice? How does this relate to the Keys Amendment and the new federal HCBS regulations?
 - 4. Review and streamline approval, certification, and licensure.
 - 5. Is there any change of ownership regs in DHS or HCPF?

Next Priorities

- Continued work on integration/consolidation of rules that impact IDD services:
 - Nurse Practice Act and Home Care Agency Rules (March-April)
 - IDD Rules (HCPF) (May-June)
 - Summary recommendations (July)
- Identify and engage existing regulations work and workgroups

Recommendations

- 1. Technical and other rule changes, including alignment of language and definitions, and to align with current practice. See crosswalk and listing of technical changes.
 - This will include planning/choreographing appropriate State Board presentations (Board of Health, Medical Services Board, and Board of Human Services)
- 2. Continued work on integration/consolidation of rules that impact IDD services:
 - Nurse Practice Act and Home Care Agency Rules
 - IDD Rules (HCPF)
 - Others
 - Summary recommendations
- 3. Continuation of the Regs Comm beyond the 'sunset' of the CLAG (September 2014). Need to determine the authority under which the Committee will continue its work.